

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THOMAS JACKSON,)
)
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Movant,)
)
)
vs.) Case No. 4:05-CV-212 (CEJ)
)
)
UNITED STATES OF AMERICA,)
)
)
)
Respondent.)

MEMORANDUM AND ORDER OF TRANSFER

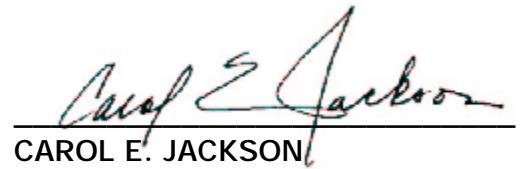
This matter is before the Court on the motion of Thomas Jackson for leave to file a successive motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.

Jackson pleaded guilty to possession of cocaine base with intent to distribute. Jackson qualified as a career offender and was sentenced to 216 months imprisonment. He filed a motion pursuant to § 2255, which was denied on February 19, 2008. In his present motion, he seeks to challenge his status as a career offender under a case announced after he was sentenced, United States v. Simmons, 649 F.3d 237 (4th Cir. 2011).

Under 28 U.S.C. § 2255, a "second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals." There is no indication that the United States Court of Appeals for the Eighth Circuit has certified the instant § 2255 motion as required by § 2244(b)(3)(A). As such, this Court lacks authority to grant petitioner the relief he seeks. Rather than dismiss this action, the Court will transfer the motion to the Eighth Circuit Court of Appeals pursuant to 28 U.S.C. § 1631.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall transfer the instant motion to vacate, set aside, or correct sentence to the United States Court of Appeals for the Eighth Circuit pursuant to 28 U.S.C. § 1631.



CAROL E. JACKSON
CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 16th day of November, 2012.